

July 29, 2009

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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STIPULATED REPORT AND DECISION

SUBJECT: Department of Development and Environmental Services File No. **E0900065**

RANDY VAN
Code Enforcement Appeal

Location: 12459 Des Moines Memorial Drive South

Appellant: **Randy Van**
4216 South Eddy Street
Seattle, Washington 98118
Telephone: (206) 760-9569

King County: Department of Development and Environmental Services (DDES)
represented by **DenoBi Olegba**
900 Oakesdale Avenue Southwest
Renton, Washington 98055
Telephone: (206) 205-1528
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Stipulated appeal denial with revised compliance schedule
Department's Final Recommendation:	Stipulated appeal denial with revised compliance schedule
Examiner's Decision:	Stipulated appeal denial with revised compliance schedule

EXAMINER PROCEEDINGS:

Hearing opened:	July 16, 2009
Hearing closed:	July 16, 2009

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. This matter involves the appeal of a code enforcement Notice and Order. The parties have stipulated to the Notice and Order being sustained on appeal with a revised compliance schedule. This satisfies the Appellant's appeal for more time to resolve the matter.
2. On April 30, 2009, the King County Department of Development and Environmental Services (DDES) issued a code enforcement Notice and Order to Appellant Randy Van, finding code violations on the subject Community Business (CB)-zoned property at 12459 Des Moines Memorial Drive South in the unincorporated area north of SeaTac. The Notice and Order cited Mr. Van and the property with three violations of county code:
 - A. Construction of an accessory structure (roof addition) in excess of 200 square feet without required permits, inspections and approvals.
 - B. Parking/storage of vehicles on non-impervious (unimproved) surfaces.
 - C. Accumulation of assorted rubbish, salvage and debris, citing certain materials.

The Notice and Order required correction of such violations by obtainment of permits for the structure, or alternatively, demolition; cessation of parking/storage of vehicles on non-impervious surfaces; and removal of the rubbish, salvage and debris.
3. Appellant Van filed an appeal of the Notice and Order. The sole claim on appeal is that additional time was desired for resolution.
4. At hearing, DDES stipulated to resolution of violation no. 2 regarding parking/storage of vehicles on non-impervious surfaces, and requested that such matter be dismissed.
5. The parties further stipulated to a revised compliance schedule and entry of a stipulated order whereby the Notice and Order would be sustained and the appeal denied as to substance. The revised compliance schedule is as set forth in the order below.

CONCLUSIONS:

1. By stipulation, the appeal is to be denied and the Notice and Order sustained as correct, with a stipulated revised compliance schedule.

DECISION:

Notice and Order violation no. 2 is DISMISSED as stipulated. The instant appeal is DENIED, and the Notice and Order sustained, with the exception that the COMPLIANCE SCHEDULE for correction is REVISED as set forth in the order below.

ORDER:

1. The Appellant shall schedule a pre-application meeting for the necessary permits for the accessory structure, with the pre-application meeting to be held *by no later than September 15, 2009*. Thereafter, a complete permit application shall be submitted to DDES for said structure *by no later than October 30, 2009*. Thereafter, all pertinent timeframes and stated deadlines for supplementary submittals, response comments, etc., if any, shall be diligently observed by the Appellant through to permit issuance and final inspection.
2. If the Appellant decides not to pursue a building permit for the structure, all pertinent non-permitted structural work shall be demolished and the demolition debris removed from the property *by no later than October 31, 2009*. (A demolition permit may be required; the Appellant shall consult with DDES regarding any such requirement.)
3. In the event that the building permit is pursued and is ultimately denied, the pertinent non-permitted structural work shall be demolished and the demolition debris removed *by no later than 45 days after such denial*.
4. Remove the violating rubbish, salvage and debris from the premises *by no later than October 30, 2009*, with disposal at an approved facility.
5. DDES is authorized to grant deadline extensions for any of the above requirements if warranted, in DDES's sole judgment, by circumstances beyond the Appellant's diligent effort and control. DDES is also authorized to grant extensions for seasonal reason (potential for erosion, other environmental damage concerns, etc.).
6. No fines or penalties shall be assessed by DDES against Mr. Van and/or the property if the above compliance requirements and deadlines are complied with in full (noting the possibility of deadline extension pursuant to the above allowances). However, if the above compliance requirements and deadlines are not complied with in full, DDES may impose penalties as authorized by county code retroactive to the date of this decision.

ORDERED July 29, 2009.

Peter T. Donahue
King County Hearing Examiner

NOTICE OF RIGHT TO APPEAL

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding Code Enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JULY 16, 2009, PUBLIC HEARING ON DEPARTMENT OF DEVELOPMENT
AND ENVIRONMENTAL SERVICES FILE NO. E0900065

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were DenoBi Olegba representing the Department, and Randy Van the Appellant.

The following Exhibits were offered and entered into the record:

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| Exhibit No. 1 | Department of Development and Environmental Services (DDES) staff report to the Hearing Examiner for E0900065 |
| Exhibit No. 2 | Copy of the Notice & Order issued April 30, 2009 |
| Exhibit No. 3 | Copy of the Notice and Statement of Appeal received May 11, 2009 |
| Exhibit No. 4 | Copies of codes cited in the Notice & Order |
| Exhibit No. 5 | Photographs of subject property taken by DenoBi Olegba on March 2, 2009 |

PTD:mls
E0900065 RPT